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Applicant: P.M. Sadler
U.S.S.N. : 10/606,469
Response to Office Action
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REMARKS

Applicant appreciates the Examiner's thorough examination of the subject application and requests reconsideration of the subject application based on the foregoing amendments and the following remarks.

Claims 1, 2, 4-16 and 21-25 are pending in the subject application.

Claims 21-23 are acknowledged as being allowable by the Examiner. Claims 3 and 17-20 were previously canceled.

Claims 1, 2, 4-16, 24 and 25 stand rejected under 35 U.S.C. §103 and/or 35 U.S.C. §112, second paragraph. The Examiner did indicate that claims 1, 2, 4-16 and 24 would be allowable if appropriately re-written so as to overcome the 35 U.S.C. §112

Claim 25 was canceled in the instant amendment without prejudice to prosecuting this claim in a continuing application. As claim 25 was canceled, Applicant does not believe that the rejection(s) of this claim need to be addressed further herein.

Claim 5 was amended as suggested by the Examiner.

The amendments to the claims are supported by the originally filed disclosure.

The specification also was objected to under 37 C.F.R. §1.75(d)(1) as not providing a proper antecedent basis for the claimed subject matter.

SPECIFICATION OBJECTIONS

The specification was objected to under 37 C.F.R. §1.75(d)(1) as not providing a proper antecedent basis for the claimed subject matter. Specifically the Office Action asserts that the specification does not provide a proper antecedent basis for (1) the feature that the image of the sun is visible from "an opposite face of the screen from the objective lens, the at least two light folding devices, and the second lens" as recited in claim 1 or (2) the feature that the image of the sun is visible from an opposite face of the screen from two or more folding devices" as recited in claim 21, or the feature thereof "the image of the sun is projected on an interior surface of the telescopic frame ... an opposite face from the at least two light folding devices and the second

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lens" as recited in claim 24. The Office Action also refers Applicant to pages 5 and 18 of the subject application. Applicant respectfully traverses.

Applicant would refer the Examiner to Fig. 5 and the related discussion in the subject application (copy of specification excerpt and Fig. 5 are attached). As described in the subject application and shown in Fig. 5, the telescope-viewing surface is a projection screen 56 that is located such that *an image projected onto the surface of the viewing screen on the interior of the telescope frame is visible from the exterior of the telescope (i.e., the projection surface)*. As also can be seen from Fig. 5, there is a surface that is opposite to the surface of the viewing screen on the interior of the telescope frame. It is clear that this opposite surface also must be opposite to the at least two light folding devices, the second lens, the objective lens. In this regards, the term opposite is not used in the sense that identified features are generally orthogonal to each other.

Applicant thus respectfully submits that the specification and the drawing figures clearly teach and describe the invention being claimed by Applicant.

Accordingly, the specification is considered to meet the Rules of the Patent Office .

35 U.S.C. §112, SECOND PARAGRAPH REJECTIONS

Claims 1, 2 4-16 and 24-25 stand rejected under 35 U.S.C. §112 on the grounds that there are antecedent basis, indefiniteness and/or vagueness concerns with the identified claims. The office Action further provides that the claims without specific concerns stand rejected because of their dependency from a rejected claim with an identified concern. The following addresses the rejections provided by the Examiner. As claim 25 was canceled in the foregoing amendment, it is not addressed further herein.

Claims 1 and 21 stand rejected because the structural relationship between the projection surface and the translucent screen is unclear. As indicated in the discussion above regarding the objection to the specification, the projection surface is the surface of the translucent screen on which the image is being projected and the surface of the translucent screen that is opposite to the projection surface is visible from the exterior of the telescope frame. Thus, Applicants believe that the structural relationship when viewed in light of Fig. 5 and the related discussion is clear.

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Claim 5 was amended as suggested by the Examiner and thus is considered to be acceptable.

Claim 7 was rejected because it is unclear about the structure of the polygon because of the phrase "regular polygon" in the claimed feature "the shape of the telescopic frame is a regular polygon."

Applicants has attached herewith a number of definitions of the phrase "regular polygon" and thus, submit that any one skilled in the art would have been apprised of the scope of the claim invention. Thus, claim 7 is considered to be acceptable without further amendment.

Accordingly, it is respectfully submitted that claims 1, 2, 4-16 and 24 satisfy the requirements of 35 U.S.C. §112 and thus, are in a condition for allowance.

CLAIMS 1, 2, 4-16 & 24

The above-referenced Office Action provides that claims 1, 2, 4-16 and 24 would be allowable if they were amended to overcome the rejections under 35 U.S.C. §112, second paragraph.

As provided above, claim 5 was amended as suggested by the Examiner.

As also indicated above, the phrase "regular polygon" is not lacking clarity.

As also indicated above, claims 1 and 24 are considered to be acceptable when the claim is read in light of the specification as to Fig. 5.

Thus, Applicant believes that the within rejections under 35 U.S.C. §112, second paragraph have been overcome. Accordingly, claims 1, 2 4-16 and 24 are considered to be in allowable form.

It is respectfully submitted that the subject application is in a condition for allowance. Early and favorable action is requested.

Applicant believes that additional fees are not required for consideration of the within Response. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed

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for any excess fee paid, the Commissioner is hereby authorized and requested to charge Deposit
Account No. 04-1105.

Respectfully submitted,
Edwards Angell Palmer & Dodge, LLP

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By: William J. Daley, Jr.
William J. Daley, Jr.
(Reg. No. 35,487)
P.O. Box 55874
Boston, MA 02205
(617) 439- 4444

Customer No. 21,874

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